

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HARJIT BHAMBRA,

Defendant.

Case No. [09-cr-01088-EMC-1](#)

**ORDER DENYING DEFENDANT'S
REQUEST FOR DISQUALIFICATION**

Docket No. 257

At the October 25, 2017 hearing, Defendant Bhambra notified the Court that he had just filed a request for the undersigned's recusal. The grounds asserted were disagreement with the undersigned's prior rulings including refusal to vacate Bhambra's conviction (grounds 1, 2, 3, 4, 6, 7, 9, 11, 12, 13, 14), Bhambra's subjective opinions about the undersigned (ground 10), and conclusory allegations that the undersigned has a conflict of interest or bias or prejudice towards Defendant (grounds 5, 8). These allegations are not distinguishable from Bhambra's first request for disqualification, which was denied. *See* Docket Nos. 241-242. Accordingly, they are also insufficient as a matter of law here to require referral to another judge under 28 U.S.C. § 144, or recusal under 28 U.S.C. § 455.¹ His request is **DENIED**.

¹ *See U.S. v. Azhocar*, 581 F.2d 735, 738 (9th Cir. 1978) (judge whose recusal is requested under 28 U.S.C. § 144 must pass upon legal sufficiency of affidavit); *In re Bernard*, 31 F.3d 842, 843 (9th Cir. 1994) (judge whose recusal is requested under 28 U.S.C. § 455 must decide it). *See also United States v. Merkt*, 794 F.2d 950, 960, n.9 (5th Cir. 1986) (affidavit legally sufficient only if the facts asserted are "material and stated with particularity," "would convince a reasonable person that bias exists," and "show that the bias is personal, rather than judicial, in nature"); *City of Cleveland v. Krupansky*, 619 F.2d 576, 578 (6th Cir. 1980) ("Assertions merely of a conclusory nature are not enough nor are opinions or rumors."); *King v. U.S. Dist. Court for Cent. Dist. of Cal.*, 16 F.3d 992, 993 (9th Cir. 1994) ("Recusal ordinarily is required only if the bias or prejudice stems from an extrajudicial source, and not from a judge's conduct or rulings during the course of judicial proceedings." (quotation and citation omitted)).

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This order disposes of Docket No. 257.

IT IS SO ORDERED.

Dated: October 26, 2017



EDWARD M. CHEN
United States District Judge